

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
Montrose, CO, CO-150**

CATEGORICAL EXCLUSION

NUMBER: CO-S050-2009-0021 CX

CASEFILE: COC-67472 Amendment No. 1

PROJECT NAME: Piping of the AC Lateral

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: New Mexico Principal Meridian,
T. 49 N., R. 8 W.,
Sec. 29: E1/2E1/2SW1/4SW1/4.

APPLICANT: Bureau of Reclamation

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue an amendment to the reservation to Bureau of Reclamation for piping of the AC Lateral. The project area is located approximately 3 miles east of Montrose and just south of Highway 50. The project includes a water pipeline, associated valves and the operation and maintenance (O&M) access road. The pipeline is buried immediately adjacent to and south of the O&M road. The Bureau of Reclamation applied for the amendment for the AC lateral in October 2005, and at that time they were still working out archaeological concerns with SHPO (State Historic Preservation Office). Subsequently the Uncompahgre Valley Water Users Association inadvertently constructed the pipeline across the public lands during the winter of 2005-2006.

The proposed amendment to the right-of-way reservation is for a 15-inch diameter irrigation pipeline and O&M access road 460 feet long by 60 feet wide, and contains approximately 0.634 acres. The original AC lateral ditch is now reclaimed and the O&M road was constructed over it, with the pipeline running along the edge of the road.

The AC Lateral would be authorized under Amendment No. 1 of the original reservation authorized under FLPMA for 30 years, expiring on December 31, 2034, with the right of renewal. As a Federal agency, the Bureau of Reclamation is rental exempt. The right-of-way would be subject to the attached stipulations.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Uncompahgre Basin Resource Management Unit

Date Approved: July 1989

Decision Number/Page: Management Unit 16, Other Public Lands, Page 143, # 4.

Decision Language: MU-16 is managed for general land uses but does not specifically mention Lands Program rights-of-way. However the overall plan states the following: "Lands cases generated by other agencies, individuals, and entities would be analyzed and processed on a case-by-case basis in accordance with guidance provided by this plan."

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number: E(16) which allows for issuance of rights-of-way for the use of existing facilities, improvements or sites for the same or similar purposes. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	_____	_____ <u>X</u>
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	_____	_____ <u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	_____	_____ <u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	_____ <u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	_____ <u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	_____ <u>X</u>
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.	_____	_____ <u>X</u>
8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	_____	_____ <u>X</u>
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	_____	_____ <u>X</u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.	_____	_____ <u>X</u>
11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.	_____	_____ <u>X</u>
12. Significantly, contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.	_____	_____ <u>X</u>

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Linda Reed	Realty Specialist	Lands and Realty
Melissa Siders	Biological Staff Supervisor	Wildlife, Threatened and Endangered
Thane Stranathan	Natural Resource Spec.	Wildlife, Threatened and Endangered
Barney Buria	Environmental Protection Spec.	Compliance Inspections & Weeds
Glade Hadden	Archaeologist	Cultural, Native American Religious Concerns

REMARKS:

Cultural Resources: Waiver of inventory under provisions of 8110.23B2 due to existing disturbance.

Native American Religious Concerns: None

Threatened and Endangered Species: The right-of-way grant will have no effect on any federally listed species or its habitat and will have no impact on any designated or proposed Critical Habitat.

Sensitive Species: The right-of-way grant will have no impact on any BLM Sensitive species or its habitat.

Migratory Birds: The right-of-way grant will have No impact on any Migratory Bird species or its habitat.

NAME OF PREPARER: Linda Reed February 26, 2009

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE: 2/27/09

DECISION AND RATIONALE: I have reviewed this CER and have decided to implement the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Dave Kauffman, Assoc. Field Manager for
 - Barbara Sharrow,
 Uncompahgre Field Office, Field Manager

DATE SIGNED: 3/2/09

STIPULATIONS

1. The holder is subject to the existing right-of-way reservation, COC-67472, and any amendments thereof, including all stipulations.
2. The holder shall contact the Authorized Officer (AO) at least two weeks prior to the anticipated start of any surface disturbing activities. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated. In any event, prior to any surface disturbing activities, the holder shall comply and demonstrate compliance in writing, i.e., with surveys and inventories completed by qualified individuals, with the following laws including, but not limited to, the Endangered Species Act (if potential habitat is determined to be present), the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act. Evaluations and inventories can be completed by BLM, or by the holder in order to meet the holder's schedule and subject to approval by the AO. The holder shall not initiate any surface disturbing activities on the right-of-way without prior written approval as determined necessary by the AO. Contact Linda Reed, BLM Realty Specialist, at (970) 240-5322, or alternate Barney Buria, BLM Environmental Protection Specialist, at (970) 240-5333.
3. The Bureau of Reclamation shall construct, operate, and maintain the raw water pipeline within this right-of-way in conformance with the Bureau of Reclamation's East Side Laterals Salinity Control Project, Final Environmental Assessment and the Lower Gunnison Basin Unit, East Side laterals Feasibility Report/Final Environmental Statement, and Supplement to the Feasibility Report. In addition, the Bureau of Reclamation shall comply with the Plan of Development which was submitted with the right-of-way application, entitled Plan of Development, AB and AC Lateral Piping and Realignment Project, Winter of 2005-2006. A copy of this right-of-way reservation including the Plans of Development shall be made available on the right-of-way at all times during construction. The Bureau of Reclamation shall provide as-built drawings showing the actual facilities and centerline survey for the right-of-way.
4. The Bureau of Reclamation shall control all noxious weeds, including tamarisk and Russian knapweed, on the right-of-way and on the areas that occupy the existing ditch and roads that are to be reclaimed.
5. All disturbed areas shall be re-seeded with a seed mix consisting of 4 pounds each: Western wheatgrass and Indian ricegrass.
6. Prior to any future surface disturbing activities, the holder is required to provide the Authorized Officer documentation that surveys were conducted by a qualified Botanist in the proposed disturbance area for clay-loving wild buckwheat and Uinta Basin (Colorado) hookless cactus. Written approval from the authorized officer will be required prior to any surface disturbing activities.

7. This reservation shall remain in effect until December 31, 2034, unless it is terminated by mutual agreement of the agencies prior to that date.